BOARD OF APPEALS

Regular Session North Tonawanda, New York 14120 Monday, June 10, 2019 6:00 P.M.

THE REGULAR SESSION OF THE BOARD OF APPEALS WAS CALLED TO ORDER BY CHAIRMAN BRAUN.

ROLL CALL

Present:

Chairman Braun

Commissioner Dreier, Evans, Haacker, Lewis

Absent:

Also Present:

Assistant City Attorney Nick Robinson

Building Inspector Cosimo Capozzi

APPROVAL OF THE MINUTES OF THE REGULAR SESSION MAY 13, 2019

MOVED by Commissioner Haacker SECONDED by Commissioner Lewis That the minutes of the regular session held May 13, 2019 be approved as circulated and filed in the office of the City Clerk-Treasurer.

Ayes: Commissioner Dreier, Evans, Haacker, Lewis, Braun

Nays: None CARRIED.

(0)

PROOF OF PUBLICATION PUBLISHED MAY 4, 2019

MOVED by Commissioner Evans SECONDED by Commissioner Dreier That the proof of publication presented by the Clerk of the Board of Appeals of the notice of a public hearing of the various appeals filed with and to be presented at the regular session of the Board of Appeals, which was published May 4, 2019 be received and filed.

Ayes: Commissioner Dreier, Evans, Haacker, Lewis, Braun

(5)(0)

Nays: None CARRIED.

OLD BUSINESS

USE VARIANCE TO CONDUCT A CAR SALES BUSINESS IN AN RC ZONE [§103-9 THE SALE OF AUTOMOBILES IS NOT PERMITTED IN AN RC ZONING DISTRICT, THE SALE OF AUTOMOBILES FIRST PERMITTED IN A C-2 ZONING DISTRICT].

Jeremy Hall 356 Woodlin Avenue North Tonawanda, NY 14120 Re: Use Variance to sell cars in an RC Zone District located at 843 Erie Avenue

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

There were no speakers for or against the requested area variance.

MOVED by Commissioner Dreier SECONDED by Commissioner Lewis That the Zoning Board of Appeals hereby approves the Use Variance to Jeremy Hill, 356 Woodlin Avenue to sell cars on property located at 843 Erie Avenue. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone. The applicant's difficulty stems from unique circumstances and not to the general neighborhood conditions. The requested use will not alter the essential character of the neighborhood and the applicant's hardship has not been self-created.

Ayes: Commissioner Dreier, Evans, Haacker, Lewis, Braun
Nays: None
CARRIED.
(5)

NEW BUSINESS

#1

AREA VARIANCE TO ERECT A 30' X 64' POLE BARN. [§103-13D (1) FRONT YARD MUST BE 75 FEET WHEN OPPOSITE AN R DISTRICT] – 10 FEET REQUESTED. [§103-13D (2) (a) SIDE YARD: MINIMUM OF 10 FEET]. REQUESTING (5) FEET ON EACH SIDE.

Eric Gampp 1375 Cambridge Avenue North Tonawanda, NY 14120

Re: Area Variance to erect a 30'x 64' pole barn on property located a 79 Felton Street

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

<u>Sonia Dusza 123 Miller Street</u> – Was questioning why this was going up in a residential district.

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 79 Felton Street and will notify other agencies involved. The Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR with a change to #5a to No.

Ayes: Commissioner Dreier, Evans, Haacker, Lewis, Braun
Nays: None
CARRIED.
(5)

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker That the Zoning Board of Appeals approves the Area Variance request from Eric Gampp, 1375 Cambridge Avenue for 79 Felton Street to erect a 30' x 64' pole barn with a 10' frontage and less than 5' from property lines. The request will not change the character of the neighborhood, there was not an alternate solution, the request was not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood and the alleged difficulty was not self-created.

Ayes: Commissioner Dreier, Evans, Haacker, Lewis, Braun
Nays: None
CARRIED.
(5)

#2

AREA VARIANCE TO CONVERT A 21' X 22' CARPORT TO PART OF DETACHED GARAGE. OVERALL AREA OF NEW GARAGE WILL BE 1206 SQUARE FEET. [§103-6 (9) (e) ACCESSORY USES: PRIVATE GARAGES HAVE A LIMIT OF 750 SQUARE FEET].

Dale Ringler 235 DiMatteo Drive North Tonawanda, NY 14120

Re: Area Variance to convert a 21' x 22' carport to a new detached garage located at 235 DiMatteo Drive

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

There were no speakers for or against the requested area variance.

MOVED by Commissioner Haacker SECONDED by Commissioner Braun That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 235 DiMatteo Drive and will notify other agencies involved. The Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR.

Ayes: Commissioner Dreier, Evans, Haacker, Lewis, Braun
Nays: None
CARRIED.
(5)

MOVED by Commissioner Evans SECONDED by Commissioner Lewis That the Zoning Board of Appeals approves the Area Variance request from Dale Ringler, 235 DiMatteo Drive, to convert a 21' x 22' carport to a new detached garage with a total of 1,206 sq. ft. The request will not change the character of the neighborhood, there was not an alternate solution, the request was not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood and the alleged difficulty was not self-created.

Ayes: Commissioner Dreier, Evans, Haacker, Lewis, Braun (5)

Nays: None CARRIED. (0)

#3

AREA VARIANCE TO ERECT A 6' FENCE ALONG REAR PL, P/O WHICH WOULD BE IN A RESTRICTED AREA. [§103-15 (C) (1) (b) CORNER LOT MODIFICATION. IN THE CASE OF A CORNER LOT IN AN R DISTRICT WHERE THE REAR LOT LINE ABUTS A SIDE LOT LINE OF AN ADJACENT LOT IN ANY R DISTRICT, THE REQUIRED SIDE YARD ON THE STREET SIDE OF SUCH CORNER LOT SHALL EQUAL 60% OF THE REQUIRED FRONT YARD OF SAID ADJACENT LOT].

Janet Curry 253 Christiana Street North Tonawanda, NY 14120 Re: Area Variance to erect a 6' fence along back yard of property located at 253 Christiana Street

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

There were no speakers for or against the requested area variance.

MOVED by Commissioner Haacker SECONDED by Commissioner Lewis That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 253 Christiana Street and will notify other agencies involved. The Zoning Board of Appeals finds that there will be no significant

environmental impact and as such declares a Negative Declaration on the SEQR with a change to #5a to No.

Ayes: Commissioner Dreier, Evans, Haacker, Lewis, Braun (5

Nays: None CARRIED.

MOVED by Commissioner Dreier SECONDED by Commissioner Braun That the Zoning Board of Appeals approves the Area Variance request from Janet Curry, 253 Christiana Street, to replace 86' of a new privacy fence, 6' high along back of property and transition to 4' high fencing for the last 18' along the side of property. The request will not change the character of the neighborhood, there was not an alternate solution, the request was not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood and the alleged difficulty was not self-created.

Ayes: Commissioner Dreier, Evans, Haacker, Lewis, Braun (5)

Nays: None (0)

CARRIED.

ADJOURNMENT

MOVED by Commissioner Lewis SECONDED by Commissioner Evans That the meeting of the Zoning Board of Appeals be adjourned. CARRIED.

Time Adjourned: 6:45 P.M.

Next Regular Meeting: July 8, 2019 at 6:00 P.M.

Respectfully submitted,

Matthew L. Parish City Clerk-Treasurer